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07 UNITED STATES DISTRICT COURT
08 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

09 JOSEPH PHILLIPS,) CASE NO. C08-1541-JCC-MAT
10 Plaintiff,)
11 v.) ORDER DENYING PLAINTIFF'S
12 OFFICER JAMES T. NOONAN, et al.,) SECOND REQUEST FOR
13 Defendants.) APPOINTMENT OF COUNSEL
14 _____)

15 Plaintiff Joseph Phillips proceeds *pro se* and *in forma pauperis* in this 42 U.S.C. § 1983
16 civil rights case. Plaintiff now submits his second request for appointment of counsel. (Dkt.
17 30.) Defendants oppose this request. (Dkt. 31.) Having considered the documents filed in
18 support of and in opposition to the pending motion, as well as the remainder of the record, the
19 Court does hereby find and ORDER:

20 (1) There is no right to have counsel appointed in cases brought under § 1983.
21 Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party
22 proceeding *in forma pauperis*, plaintiff has again shown neither exceptional circumstances, nor

01 an inability to articulate his claims pro se that would warrant the appointment of counsel. *See*
02 *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986). Accordingly, plaintiff's second
03 motion for appointment of counsel (Dkt. 30) is DENIED.

04 (2) The Clerk is directed to send copies of this Order to plaintiff, to defendants, and
05 to the Honorable John C. Coughenour.

06 DATED this 14th day of April, 2009.

07 s/ Mary Alice Theiler
08 United States Magistrate Judge
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